



JUL 28 2003

RCE/1600

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RCE

PTO/SB/30 (10-01)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**Address to:
Commissioner for Patents
Box RCE
Washington, DC 20231

Application Number	09/137,059
Filing Date	August 20, 1998
First Named Inventor	Brian H. JOHNSTON
Group Art Unit	1635
Examiner Name	M. Schmidt
Attorney Docket No.	367592000100

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. Submission required under 37 CFR 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply (with attachments 23 pages total)
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Return Receipt Postcard

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 CFR 1.17 (e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952
- i. ☒ RCE fee required under 37 CFR 1.17(e)
- ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☒ Other Fee Transmittal (original + 1 copy for fee processing (2 pages total), Petition for Extension of Time (1 page)
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Jill A. Jacobson	Registration No. (Attorney/Agent)	40,030
Signature	<i>Jill A. Jacobson</i>	Date	July 25, 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV333857580US, in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: 7-25-03Signature: *[Signature]* (Anthony Soljanich)

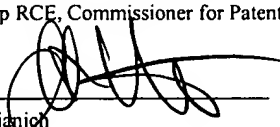
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PATENT
Docket No. 367592000100

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 Anthony Soljanich	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In the application of:

Brian H. JOHNSTON et al.

Serial No.: 09/137,059

Filing Date: August 20, 1998

For: NUCLEIC ACID AGENTS FOR
DETECTING TARGET MOLECULES
AND METHODS FOR THEIR USE (AS
AMENDED)

Examiner: M. Schmidt

Group Art Unit: 1635

AMENDMENT UNDER 37 C.F.R. §1.114

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Request for Continued Examination is in response to the Final Office Action dated October 22, 2002 for which a response was due on January 22, 2003. A petition and fee for a three month extension of time, along with a Notice of Appeal, was submitted on April 22, 2003, extending the deadline for response to June 22, 2003. A petition and fee for a two month extension of time are submitted herewith. Therefore, this response is timely filed.

Reconsideration and allowance of the pending claims, in light of the remarks presented herein, is respectfully requested.